

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSEPH JOHNSON,

Plaintiff,

v.

No. 6:02-CV-0630
(C.J. Scullin)

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

APPEARANCES:

OLINSKY DiMARTINO LAW FIRM
Attorney for Plaintiff
186 West First Street
Historic First National Bank
Oswego, New York 13126

OF COUNSEL

HOWARD OLINSKY, ESQ.

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for the Northern
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WILLIAM H. PEASE, ESQ.
Assistant U.S. Attorney

FREDERICK J. SCULLIN, JR., C.D.J.:

DECISION AND ORDER

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge Randolph F. Treece filed November 29, 2005, and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no

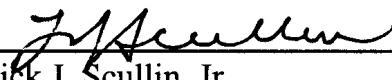
objections to said Report-Recommendation having been filed, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed November 29, 2005 is **ACCEPTED** in its entirety; and it is further

ORDERED, that the Commissioner's decision denying disability benefits is **REVERSED** and **REMANDED** for further proceedings pursuant to sentence four of 42 U.S.C. §405(g).

IT IS SO ORDERED.

DATED: December 28, 2005
Syracuse, New York



Frederick J. Scullin, Jr.
Chief United States District Court Judge